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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,322	08/27/2003	Tim Monroe	JIMWA-63715	6879
24201	7590	12/15/2004	EXAMINER	
FULWIDER PATTON LEE & UTECHT, LLP HOWARD HUGHES CENTER 6060 CENTER DRIVE TENTH FLOOR LOS ANGELES, CA 90045			ALAVI, ALI	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/650,322

Applicant(s)

MONROE ET AL.

Examiner

Ali Alavi

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-4 and 7-20 is/are rejected.
- 7) ☐ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/27/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by MacDonald, Jr. et al (US Pat. No 4,561,203).

MacDonald discloses a work light frame for holding a lens on to a lamp housing (intended use and as broadly interpreted from the claim language), having a frame body (12, fig. 1, col. 3, line 40) having a frame body top and a frame body bottom, the frame body top containing an integrated storage compartment (housing 11), the integrated storage compartment having a first wall (14) connecting a second wall (right side wall, 11) to a third wall (left side wall 11) a fourth wall (20) connecting the second wall to the third wall, a base (22) joining the first, second, third, and fourth walls; and a cover (not numbered, fig. 4) disposed over the compartment, wherein the cover is flush with a back side of the frame (fig. 4), wherein the cover is attached to the first wall by a fastener (43, 44), wherein the storage compartment is located at the frame body top (fig. 1), wherein the fourth wall is provided by the frame body top, wherein the base is provided by the frame body (fig. 5), wherein one of the walls is bowed (fig. 4).

Claims 10-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Grossman et al (US Pat. No 6,328,460).

Grossman discloses a work light frame for holding a lens on to an electric lamp, comprising: a frame (12-18 walls forming the frame) having a front and a back, and having a channel-shape cross-section extending around a perimeter defining a central opening, a lens (50) disposed within the central opening, a means (base 60 attaching the frame) for rotatably attaching (col. 2, lines 46-48) the frame to the electric lamp, a cavity formed on the back of the frame, and a means for retaining a bulb (26) disposed within the cavity, wherein the means for retaining the bulb includes opposed grooves that receive opposite ends of the bulb (fig. 1), wherein a wall forming part of the cavity is bowed (back wall, fig. 1).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grossman et al.

Grossman discloses the claimed invention as applied above in claims 10-15, but Grossman doesn't explicitly express a process for providing a work light frame. However, since Grossman meets all the structure limitation of the claimed invention. Therefore, it would have been obvious to an ordinary skill in the art to make a use or a process for providing a work light in the same manner as set forth by Grossman.

Art Unit: 2875

Furthermore, the structure must affect method or process. It has been held that to be entitled to weight in method claims, the recited structure limitations therein must effect the method in a manipulative sense, and not to amount to mere claiming of a use of a particular structure. See *ex parte Pfeiffer*, 1962 C.D. 408 (1961).


***Allowable Subject Matter***

Claims 5-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 5 and 6 are objected because the prior art of record fails to teach or suggest that the second wall and third wall having grooves (cl. 5) or a means (cl. 6) to secure a light bulb.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Procop et al (US Pat. No 3,825,331) discloses a projection lamp carrier having a spare lamp compartment.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Ali Alavi whose telephone number is (571) 272-2365. The examiner can normally be reached between 7:00 A.M. to 5:30 P.M. Tuesday to Friday. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached at (571) 272-2378 or you may fax your inquiry to the **Central Fax** at (703) 872-9306.

  
Ali Alavi  
Examiner  
AU 2875